

# The Forestry Source

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## Maryland Passes “No Net Forest Loss” Legislation

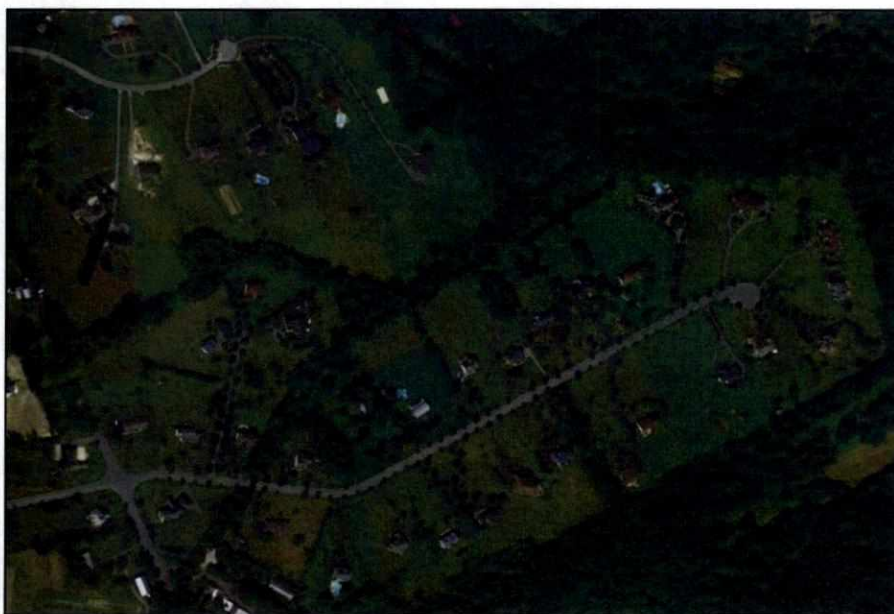
Forests in few states face more development pressure than Maryland's. In an effort to stem the loss of forest, Maryland's General Assembly passed the Forest Preservation Act of 2013 in April. The legislation sets a goal of maintaining the 40 percent canopy cover that now exists in the state.

“This is an aspirational goal. We are already at 40 percent forest cover and we don't want to lose any more,” said Steven Koehn, state forester and director of the Maryland Forest Service. “We amended some of our existing incentives so that private landowners have every reason to conserve forests, and we lowered thresholds for eligibility for programs that will help them do that.”

Over the last 58 years, Maryland lost more than 450,000 acres of forestland. Up until the recent economic downturn, the state was losing about 7,500 acres annually. In 2011, Maryland gained a net 64 acres of tree canopy (1,644 acres were developed and 1,708 acres were replanted), but in 2012 it lost 727 acres of tree canopy (1,421 acres were developed and 694 acres were replanted).

The 40-percent forest cover goal includes rural, suburban, and urban areas. According to Koehn, there are about 1 million acres of turf—lawn—in Maryland.

“That's mostly due to large-lot development—McMansions on five acres, with four of them grass.



According to State Forester Steve Koehn, there are about 1 million acres of turf in Maryland, much of which is on large residential lots like these. PHOTO: Google Maps.

We'd like to turn some of that urban/exurban acreage into trees,” said Koehn.

The Forest Preservation Act establishes no regulations or requirements for maintaining forests, but instead relies on incentives to conserve forest.

For example, the bill doubles the income tax credit for forest management activities and expands the range of activities to include the planting of streamside forests, removing invasive species, and improving wildlife habitat. Qualifying acreage is now 3 acres to 1,000 acres, from 10 acres to 500 acres previously.

“There's no gun to anybody's head here. It's all voluntary, and it's all incentive-based,” Koehn said.



The Maryland Sustainable Forestry Council, a multi-stakeholder group established by the state in 2009, played a central role in writing the new law. The council and Koehn worked with the Maryland Association of Counties, the Maryland State Builders Association, and other groups. The legislation drew support from these and three dozen other organizations and groups, including the Nature Conservancy, the American Forest Foundation, and the Maryland Chapter of SAF.

The Maryland Farm Bureau initially had strong concerns about the bill.

"The Farm Bureau was concerned that we would be preserving forestland to the detriment of agricultural land, that we would be mitigating the loss of forest by planting trees on corn and soybean fields," Koehn said.

In response to an early draft of the bill, a Farm Bureau policy statement noted that "Maryland Farm Bureau supports the forest community and its efforts to conserve the tree canopy. However, we are concerned that [the bill] could adversely impact net farmland acres. We support language to clarify that the 'no net loss policy' cannot be met through tree plantings on prime and productive farmland."

To allay that concern, a new section was added, stating that "the policy of achieving no net loss of forest shall be implemented in a manner that does not incentivize the conversion of prime agricultural land with Natural Resources Conservation Service type I, II, or III soil classification to forestland, except for conservation best management practices meeting Natural Resources Conservation Service standards and specifications."

Maintaining forest cover is instrumental to limiting sediment and other pollutants in streams and, ultimately, Chesapeake Bay. In 2010, Maryland and five other states agreed to take measures to meet the US Environmental Protection Agency's Total Maximum Daily Load levels, in an effort to help restore the bay.

"We're all on a pollution diet," Koehn said. "And the very best land use for preserving water quality is by planting more acreage to trees. We know that forests can scrub nitrogen, phosphorus, and sediment out of waterways, and we know that if you put in forested stream buffers, you can reduce the loading of nitrogen, phosphorus, and sediment in Chesapeake Bay. So if we lose trees in some places, then we need to replace them in a smart way on the landscape, so it helps us with storm water and agricultural runoff."

Maryland, already the fifth most densely populated state in the nation, is a destination for

many of the military personnel and families from bases in other states that have been or are scheduled to be closed. Many personnel, according to Koehn, have been reassigned to Maryland bases, such as Fort George G. Meade, Naval Air Station Patuxent River, and Andrews Air Force Base.

"We have projected that 58,000 military families will make the trek to Maryland as their bases are closed, so not only are we already a densely populated state, but we're getting more so," Koehn said. "And we don't call it the 'land of pleasant living' for nothing. People like the Chesapeake Bay region, they like Baltimore and Washington DC, they like the amenities that the state has to offer."

Koehn said "no net loss" laws might work in other states.

"Keeping forests as forest is a huge thing. Anything a state can do to advance a goal to not lose anymore forest, whether it's to disease, insects, fire, or development, is incredibly important. Maryland has chosen to deal with it in its own way. Other states, such as in the West, where wildland fire such a big issue, will adopt their own strategies.

"I hope other states take a look at what we've done and see if they can apply them in their home state," he said. "Not every state is undergoing a period of rapid forest loss, though we certainly are here in the mid-Atlantic and around major urban centers such as Atlanta. Having an aspirational goal like this is not a bad way to go. And if you provide the voluntary incentives for private landowners to try to maintain their forestland or actually add to it, that's a reasonable approach that can have a big impact."

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## Governor O'Malley Signs Landmark Forest Legislation



May 2, 2013

***Maryland establishes first in the nation policy***

Photo by Gayle Ryan

Governor Martin O'Malley today signed into law first-of-its-kind legislation that amends Maryland's forest conservation policy to maintain the State's current 40 percent tree canopy — a no-net-loss. The bill establishes new and expanded reforestation incentives and tools to help landowners and local governments meet and surpass the statewide goal.

"Healthy forests support our economy, our communities, human health and our natural world," said Governor O'Malley. "This landmark legislation will ensure we are using the most efficient and sustainable practices, to not only maintain our

forests, but strengthen and expand them. It is vital we take the steps today that will ensure a smarter, greener, more sustainable Maryland for the generations of tomorrow."

In addition to the no-net-loss requirements, Maryland's Forest Preservation Act of 2013 ([House Bill 706](#)) adds a dual sustainability certification of State Forests requirement, and extends tax benefits to more Marylanders who work to increase tree cover on their property.

"Protecting Maryland's forests with a no-net-loss of forests policy is crucial to the health of local rivers, streams and the Chesapeake Bay," said Alison Prost, Maryland executive director for the Chesapeake Bay Foundation. "We applaud Governor O'Malley and Maryland's legislators for recognizing how important forests are for water quality, carbon sequestration, wildlife habitat and recreation."

Until now, landowners could deduct between 10 and 500 acres worth of forestry expenses from their income tax liability. This legislation expands that amount to 3 to 1,000 acres, making more private property owners eligible for tax credits. By including smaller land areas, more Marylanders will have incentive to convert residential turf to trees, and increase, retain and manage forest cover on these properties. Forest stewardship activities include tree plantings, creating and maintaining forested stream buffers, controlling invasive species, and other best management practices that improve forest health.

"Nothing yet devised keeps residents as healthy and supports as many State goals as forestland," said Eric Sprague, director of Chesapeake Forest Programs at Alliance for the Chesapeake Bay. "Governor O'Malley has again recognized this and continued Maryland's national leadership on forest conservation issues."

Under Governor O'Malley's leadership, Maryland has become a national pioneer in forest sustainability practices. Over the past four years, [citizens have planted more than 100,000 trees](#) through his Marylanders Plant Trees program, and Maryland [inmates have planted more than one million trees](#) on public lands through the Forest Brigade. All Maryland State forests have also received [dual certification](#), recognizing the State's commitment to sustainable forestry practices and the green jobs

the forest industry supports. It is initiatives and efforts such as these that earned Governor O'Malley the National Arbor Day Foundation's first ever [Vision Award](#) last year.

The legislation also:

- Encourages smart growth by exempting redevelopment projects that are on an impervious (nonporous) surface, and in a priority funding area, from being eligible for incentives from the Forest Conservation Act;
- Requires the Maryland Department of Natural Resources (DNR) to provide a statewide forest resource inventory to local jurisdictions at least every 5 years to ensure that local governments have the tools and technical assistance needed to adequately protect tree canopy cover;
- Increases penalties for individuals that maliciously start wildfires; and
- Aims to improve Forest Conservation Act compliance.

"Preserving our current forestland is vital to the health of our State and its citizens," Steve Koehn, director of the Maryland Forest Service. "Anything we can do to advance our goal to not lose anymore forest — whether it's to disease, insects, fire or development — is critical."

The bill was supported by more than 40 forestry and environmental groups including the Maryland Sustainable Forestry Council, Chesapeake Bay Foundation, Harry R. Hughes Center for Agro-Ecology, Maryland Association of Counties, Maryland Municipal League, Maryland State Builders Association, Maryland State Firemen's Association, Maryland Tree Farm Committee, The Nature Conservancy; the Sierra Club — Maryland Chapter, and Blue Water Baltimore.

The new law will help enhance forestland and urban tree canopy, which will improve air and water quality, moderate climate, add to Maryland's natural spaces and enhance its beauty, increase property values and provide more recreational opportunities. Trees also provide flood control, wood products, renewable energy and habitat for wildlife.

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